

## THE EIGHTH WARD TRAGEDY.

**Inquest upon the Body of William O'Brien  
Shot by Joseph Hall on New Year's Night.  
Before Coroner Hilton.**

Yesterday Coroner Hilton held an inquest at the New York Hospital, upon the body of William O'Brien, who was shot by Joseph Hall on New Year's night, while

The prisoner was too much indisposed to appear on the inquisition, but appeared by counsel. The first witness put upon the stand was the mother of the deceased.

Margaret O'Donnell, being duly sworn, deposed and said: I reside at 162 Smith street, Brooklyn; the deceased, Wm. O'Brien, was my son by my first husband. I did not see the deceased for several days previous to his being injured; the last time I saw him previous to his being injured was in November last; he was married and had a child; the name of the child was

and William Harris, I did not know any persons who were  
Joseph Hall, although I might have seen him. I heard  
of the deceased being injured on last Monday evening  
about 10 o'clock, and I was told that he had been  
(I was then living in Church street) and told me that  
my son was injured, and that he was lying in the hospi-  
tal. I was told that the deceased had been shot, but  
but don't recollect the name of the person who shot  
him or not; on receiving the information of my son's  
injuries I went to the hospital; I arrived there about  
11 o'clock, and I saw the deceased lying in bed; he  
was breathing very heavily and moaned frequently,  
and I was, to the best of my opinion, as sensible as ever I saw  
him; I do not recollect he told me who had shot  
him, or the name of the person who shot him; on  
last Wednesday he told me that he thought  
he might get over it; he also said he wished  
to see his father, and I gave him a paper, and wrote  
George Hall; he told me that he was well, and

Hall, but that he was the man who had done him the injury; he also said he would give anything to see Hall told him that they could not hang Hall as long as he was alive and the process said he was afraid they could hang him, and that they would hang him; at this time he referred to the person who had injured him; deceased expressed a good feeling towards Hall, and did not want any harm to come to him on his (deceased's) account; I did not hear him express an bad feeling towards the accused; he was quite sensible as to the propriety of his feeling to be forgiven to him; he talked a great deal, and shortly after this I talked about Hall, wishing he could see him for a while; his reason left him soon after this, and I did not hear

him say anything further about Hall; I was within a few minutes of the door all day on Wednesday, up to about fifteen minutes before he died; he expired about 8 o'clock on that day. I saw him die, and I saw him lying in the bed after he died. I saw him lying in the bed when he was angry with Hall, and he said he was not.

John O'Brien, half brother of the deceased, was sworn on the stand, but knowing nothing of the case, except from hearsay, he was not examined.

George W. Dean, being duly sworn, deposed--That he and the deceased, Thompson, did not know the deceased and the deceased's brother, John O'Brien, the latter was Joseph Hall; that he was a prisoner; the names of the two were Joseph Hall and George W. Dean; that the deceased and the prisoner were on the very best of terms; they always seemed to be like two brothers; that he was never separated from the prisoner; that he was never separated; I saw them about half an hour before he died.

for the occurrence, on New Year's evening; I saw that the house No. 50 Howard street, it was in the neighborhood of the corner of Broadway, was a very friendly together, and were perfectly so; they lay down, and had some meat to eat; Hall had a diamond breastpin in his bosom, and if he had been very much intoxicated I would have taken it from him, so as to take care of it; after partaking of their meal at this place, they returned to their room, and I returned to my room. I never saw anything that would have proved to me between them, previous to the occurrence on New Year's night? A. I do not; they always took liberties with one another just as two brothers would; they were extremely good friends—I never saw such good friends.

Q. Do you know any causes, either religious or otherwise, that would have produced unusual excitement with either of them? A. I cannot say that I do, but I think they were in the habit of visiting the spiritual rappers; about 1840, I believe. I remember asking me to go with them to one of the spiritual rapping meetings. It seemed to him that the revelations exhibited there were true, and wanted me to come with them to make me a believer, as I used to make fun of their believing in the science. Hall told me he could make the table rattle, and he would hold communication with the spirits, and direct them to do anything they pleased. I do not believe in it.

pressed myself so to them. Q. Were they enthusiastic on the subject? A. I thought so. Q. Which seemed the most enthusiastic? A. Hall, for he was always with me to attend the circles, if he could get anybody to go with him.

Cause—examined by counsel for the defence—The accused has been in my father's employ about nine or ten years; he kept my father's shop in the year 1949; has opportunities of observing his conduct and temper during that time; the prisoner was considered a very agreeable and good kind, my mother thought more of him than she did of any other; was good hearted and ever ready to do an act of kindness.

Officer Isaac L. Lent, of the Eighth ward police, being

"I clock on New Year's night I was in the station house and a man from Mr. Pitt's store, whose name is unknown to me, came in and asked me if I had any more. I asked him what he wanted, and he would not tell me. I told him the captain was not in, and that the lieutenant was. He then in charge of the station house, then asked me if Mr. Pitt wanted me. I asked for what, and he said I would see what I got there. I went with him to the place where he was, and I got there and he told me I had to knock at the side door in Grand street and I did. The brother opened it, when I went in I saw the deceased sitting on the floor, I went up to him, and saw three wounds on his person; one was in his breast, and three

in his side, and the other in the back; I took both of them in my arms and had to say, he seems to be very sensible, but appeared very bad; I said, 'I am very sorry to hear of this, but I am glad you are well'; and asked him if he felt very bad, and he said 'yes, I took hold of his two hands to raise him up, when he said, 'I did not think Joe would have done this, but I don't want to have anything done with him; he made the mistake of coming in here, and I don't want to be raised up, and we took him home, then he said he wanted to be taken to the hospital, but he said he would stay in the room at the time except Mr. Pitt's brother and myself; there was a large pool of blood on the floor, which I understood came from the man that had just deceased; this blood was near the hall door; another officer and I put him in the bier and took him to the New York Hospital.

himself and walked up to the bedside. We took his clothes; the doctor then came in, and deceased asked him if he thought he would die; the doctor said he did not think he would; it was about 8 o'clock when we got him to the hospital, I found a fire barrel revolved in my hand, and I thought I found it on the counterpane or not; I don't think there was any fire in the barrel at that time; it had the appearance of having been recently discharged; the caps were on the nipples, and had been recently exploded, when he asked the doctor at the hospital if he thought he was going to die, he said to him, "I do die, I don't want to have anything done to Hall"; he then said, "I don't want to be put in a coffin"; he then deceased also said, "There are three half-pennies in my pocket."

The right of cross-examination was waived. J. John Pitt being duly sworn, deposed: That he resided at No. 51 Grand street, and kept a liquor and grocery store at the corner of Grand and Laurens streets. I knew Joseph Hall, a white man, who was charged with the murder of John Brown, and who was accused for eight or ten years. I had known him since the deceased, for two or three years. I know the disposition of these men: Joseph Hall, the prisoner, is a returned Californian; I have noticed frequently that he was at times laboring under fits of nervous excitement; he resided in California about three years ago, and since then I have seen him frequently. I have noticed on occasions his expression of countenance was strange and fearful; these fits would last for a minute or so, and

Then he would return to his usual state of mind; his natural disposition was very good indeed; but as I said before, he was subject to fits of nervous excitement; and on the 21st of March, 1861, I was called to see him drunk, but he used to drink on the 21st. At last, about 6½ o'clock, I came into the store, and J. (Hall) introduced me to a gentleman named Shannan the deceased was also there with the prisoner, they were to all appearance on perfect good terms with one another, and were cheerful. He said to me, "Judge, I will ask you to go to the kitchen and get me a glass of water." I went to the kitchen, and he said, "I don't want any water, I want to go to any place in particular; he said, 'I'll go you go, I will pay your shot (fare), and you shall see the old woman make Bill O'Brien dance." He insisted

"I'd like to go with him," answered him, and said as if he did believe in such things, I would not go; he then asked me to go, and I refused, saying I was going to see my mother, who had been refused in the same grounds that I do so. Then he said to me, "I am sorry you are going to see your mother, who has died, deceased," where it that dollar bill you picked up at the front of Mr. Goodwin's." O'Brien, the deceased, said to me, "I have got it. It is bad luck to pay out money or Monksy. I'll give it to you to-morrow." Then some conversation took place between them, but being busy about my own affairs, I left them, and went back to my room while they were thus talking in a friendly manner, the deceased said, "Joe, I owe you two shillings, and here it is," at the same time taking out a two shilling piece from his pocket. Joe said, "It is seven shillings, Bill."

The deceased said, "I'll do two shillings and no more, but I'll give you one shilling or nothing—I'll have your shillings, and I won't shoot you, but I'll give you five shillings if you don't shoot me, and I'll give you five shillings if you don't shoot me." Then words passed in quick succession, and were pleasantly spoken; Hall then stepped back about three feet from where he had been standing and the deceased was standing with his back to the counter at this time, facing the accused, Hall, saw, with one of those glances which a friend of mine has called "a look at a lead voice." Seven shillings, HILL, or I'll shoot you," holding a pistol towards him; at the same time Mr. Shanan at this moment caught hold of the accused and said, "For God's sake what are you doing with the pistol?" Hall then said, "Go away, and then one

at O'Brien twice in succession. I think the deceased then fell upon the floor, and a third shot was fired at him by Hall; the first two shots seemed to me to have taken effect in his chest, and the third one in his back; the three shots were fired in too small a space of time for me to compute. It was all done in a moment. I was standing about 100 feet from the place where the shooting took place, and seeing what had occurred, exclaimed: "For Heaven's sake, Joe, what are you about?" After I had made this remark, he put his pistol down between his knees, and then taking it up again in his right hand raised it up to a level with his own head, and then lowering it, placed the muzzle of the gun beneath the chin, and fired.

fell down on the floor, and the wound bled freely; the whole of this occurrence took place in so short a space of time that I can hardly calculate it, but I am sure it did not take more than one minute. Mr. Shannon having left the store before this third shot was fired, I went out the door to the left, and as I was about to return I saw that Hall had got up, and was wanting to go away; my brother came into the store at this moment, and, leaving the store in his charge, accompanied Joe (Haji), and took him to the station house; I saw two officers, who took charge of the prisoner, I followed them all the way he went with us, and I saw him taken away.

not going to run away after seeing him safely take care of in the station house, I walked back to the store.

We find that William O'Brien came to his death from being shot through the body by Joseph Hall. The jury further adjo that they are not satisfied as to the sanity of the accused, and recommend an investigation in regard to the same.

Signed—William Swanton, Morgan O'Brien, Abraham Kaute, Ebenezer Welch, William Stevenson, William Wild, Thomas Gouglav, J. W. Farmer, W. S. Carpenter.

**Superior Court.**  
Before Chief Justice Oakley.

**JAN. 5.—Max Kelch vs. Barbara Kelch.**—This was a

Chas. Muller deposed—Resides in Fortieth street, corner of Fourth avenue; knows plaintiff fourteen or fifteen years; knows defendant six or seven years; saw her at his house two years ago last October; kept a public house; Mr. Muller was with Mrs. Kelsch; they were together at the time of the shooting; saw Mrs. Kelsch and Mr. Kelsch; saw Mrs. Kelsch on several occasions.

Another witness deposed that he knew Mrs. Kelsch, who collects when she kept a house in Bayard street, some two years ago; she was not living with her husband, he never saw her in company with a Mr. Bradburn, and he never saw her with any man. That the affections of the plaintiff were alienated from her husband, he brought a young woman named Vaise to the house, Mr.

Cross examined—Her mother was in the habit of getting intoxicated; her father had been dangerously ill and not expected to live at the time Agatha kissed him.

A witness named Wheeler, a neighbor of the plaintiff, proposed that on one occasion, when Mr. Kelsch was in Pennsylvania, a young man used to go to Mrs. Kelsch at the store and close it up at an earlier hour than usual, and that (the young man) stayed with Mrs. Kelsch for several hours; on one occasion witness asked these questions of her: "What time did you go to bed that night?" "About midnight." "What time did you get up?" "About six o'clock." "Who was a clerk in another store, with his hands on Mrs. Kelsch's neck, and her hands on him?" "I don't know." Verdict for the plaintiff.

Before Hon. Judge Sloan.

JAN. 5.—*Thomas H. Rusk vs. William R. Hunton*.—This was an action brought by the plaintiff against the defendant, for the recovery of the value of three certain shares of stock in the defendant's company. The defendant agreed to give the former, in part payment for an aster salted, sold by the defendant, on the 18th of October, 1852, to the plaintiff, (situated at No. 178 Catharine street); but the plaintiff alleges, he never received the same. For the defence it was contended that there was no agreement between the parties by which the plaintiff received \$150 in compromise of the controversy. The plaintiff denied having ever received any amount by way of compromise. The jury brought in a verdict for the defendant.

**Cost of Common Pleas—Special Term.**  
Before Hon. D. P. Ingraham.

JAN. 5.—*James Jackson, Henry A. Darrin*.—The question submitted to me in this case is, whether, on a reversal of a judgment of an inferior court, the appellant is entitled to the costs of the court below, which he could have been entitled to if the proper judgment had been rendered there. By the 31st section of the Code, the party succeeding in the appeal is to receive the fees and costs therein specified, and no other except disbursements. These costs so specified evidently were in-

ded as for the compensation for the services on the appeal, and the disbursements must likewise be limited to disbursements made during the appeal. By the 35th article, provision is made for the repayment to the appellant, of the amount of the costs of the court below, paid by him on appealing. By the 36th article, in case of a renewal of the judgment the court is to restore the appellant to all property and rights lost by the erroneous judgment. If the proper judgment had been rendered in the court below the appellant would have been restored to all that he lost. This was a right given him by the statute of which he was deprived by the erroneous judgment below, and which the courts should make restitution by ordering it now to be

This section has received a similar construction from Judge Welles, in the case of *Kotus vs. Hailwin*, 9 H. 421, 100 N. E. 225. However, must make such construction, and it cannot be done, because the facts of the case. The better course probably would be to submit with the appeal papers the application for costs, in case of renewal, with the certificate of the Clerk before the amount of costs, and in such case the order would be made on deciding the appeal. In this case the parties have agreed to pay the costs of the appeal, and now be made directing the clerk to include in the bill of costs the amount as certified to by the clerk of the Maine Court. The clerk was right in rejecting the item of costs paid by the applicant on his appeal. That money

plaintiffs with the Court below; and as before stated, the Court refused to reverse the judgment on several grounds. The respondent has never received it, and it should not form the basis of any judgment against him. No costs allowed in this motion to either party.

*Zacharias Jacques vs. Benjamin Greenwood and others*—In an action against joint stock debtors, the respondent has died, and he is claimed as one defendant, but not as a party to the other. The respondents' attorneys have answered as to both, which was returned by the plaintiff's attorney, and on the same day judgment was entered up against both defendants. A motion is now made to set aside the judgment. The practice of entering up judgment against two joint debtors on the default of one,

defendant had expired, cannot be approved. The right to take judgment against one defendant on default, before the other has answered or made default, only applies to cases where a several judgment is proper, and cannot authorize a judgment against both defendants, even if the plaintiff only has a claim in joint property. But here the liability of the joint defendant is not only a joint recovery and judgment, and no judgment was entered up until all the parties served have had the time to answer. The 136th section of the Code lays down the practice very clearly, where it says, if all the defendants have been served, judgment may be taken against any one of them, and the plaintiff is not obliged to be satisfied with judgment if the action had been a joint one.

defendants alone. If the action be against defendants jointly liable, the plaintiff may proceed against the defendant served, and Justice Parker's comments on this section in *W. & F. Runk vs. Riser*, 8 Cal. 2d 100, 101, 70 P.2d 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903,

The defendants have not information or knowledge sufficient to form a belief whether they have paid such rate or not. The other allegations which are denied are those made by the plaintiff, and that the plaintiff is the lawful holder of the *Chancery* and *Chancery* defendants could have satisfied themselves with such less trouble than they could have made and sworn such an answer. The plaintiff's attorney was right returning the joint answer of the defendants after time for pleading by Hewster had expired, and as the plaintiff's attorney was not a party to the answer had also expired, his judgment is regular. This action is denied, with leave to defendants to renege on or papers disclosing the defence they intend to

The stated meeting of the Board of Managers was held Thursday, the 5th inst., at 4 1/2 P. M.—Hon. Luther Gulish in the chair, assisted by Benjamin L. Sloan and Francis Hall, Esqs.

Nine new societies were recognized—one in each of the states of New York, North Carolina, Tennessee, and Indiana, two in Missouri and three in Iowa.

A letter from the French and Foreign Bible Society speaks the assurance that the government of France still permits the free circulation of the Holy Scriptures.

throughout the country, and asks increased aid in the prosecution of the work.

Letters from Joseph Brown and Rev. M. Culbertson are an account of the progress of the translations going on in China, under direction from this society.

Rev. E. W. Clark, of Honolulu, communicates a vote of the missionaries, requesting 10,000 copies of the New Testament to be prepared in Hawaiian and English.

The request was granted.

Rev. J. H. Nairn, of Beirut, acknowledges the receipt of an appropriation from this society, and requests, in behalf of the Bible Society of Constantinople, permission to use this society's version of the Gospel by Matthew, in printing a volume to be interlined with French, in

Grants of books were made to the Tract Society of the Methodist Episcopal Church; to the American Sunday School Union; to the Protestant Half Orphan Asylum; to the Samaritan Hospital; to a church of the United American Methodist Mission; to the Children's Aid Society and various grants to individuals, to several languages, including two volumes of the Bible for the Slaves.